

Town of Northumberland Zoning Board of Appeals  
Meeting Minutes  
Wednesday,  
Special Meeting June 27, 2012 7:00 pm  
Corrected and Accepted by the Zoning Board of Appeals  
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**Zoning Board Members Present:** Bruce Bemis, Rebecca Hodgson, Hugo Leone and Mark Boyce, Chairperson.

**Planning Board Members Present:** Brit Basinger and Sue Martindale.

**Members Absent:** Julie Trollip, Jeremy DeLisle, Carl Harrison, Clinton Barber, Vice-Chairperson,.

**Town Employees Present:** Tia Kilburn, Zoning Board Clerk.

Mr. Boyce, Chairperson, called the Meeting to order at 7:31 PM.  
All in attendance stood and recited the Pledge of Allegiance.

**Continuation of Joint Public Hearing with the Planning Board**

Use Variance / Site Plan Review / Used Car Lot / Public Garage

SBL: 116.-2-27.2

Applicant: Maureen Wilber

Application #: 0002-12

Location: 4737 State Route 50

Zoning: C/R

Mr. Boyce stated this is a continuation of the joint public hearing with the Planning Board, the Board has received additional information, Mrs. Wilber's Deed and a survey map. The Board reviewed the new information. Mr. Bemis asked if there were any maps without the dotted line going through the building. Mrs. Wilber stated she submitted one from 1989 and the Clerk made copies, she did not bring the original. The Clerk gave copies to the Board. Mr. Boyce asked about the 2nd parcel as indicated on the map and what is in the deed if anything pertaining to a lot line adjustment. Mr. Kaska, a neighbor of Mrs. Wilber's, asked if he could address the Board, Mr. Boyce said yes. Mr. Kaska stated he and his wife have been doing a little research on the property(s). Mrs. Kaska stated she believed the second parcel also belonged to Mrs. Wilber. Mr. Kaska interjected that his parents had sold that parcel to Mr. and Mrs. Dow in the 1950's. Mrs. Kaska stated they had a letter from the Attorney stating the Right-of-Way was never filed because it was not needed. The Board discussed the maps and deeds with Mrs. Wilber and Mr. and Mrs. Kaska. Mr. Bemis stated they really should have a new survey conducted. Mr. Kaska asked Mrs. Wilber if she had it surveyed today, because he saw people on the property. Mrs. Wilber stated she had them out there finding the post. Mrs. Kaska asked where they found the post, Mrs. Wilber responded on her side of the driveway. Mr. Bemis reiterated he felt that Mrs. Wilber has to have a survey. Mrs. Wilber stated the survey she has is from 1989 and it is a legal survey. Mr. Kaska said if the post is on Mrs. Wilber's side of the driveway than they agree, he then stated his survey clearly is marked that the northwest side of his property that is also Mrs. Wilber's property line was not surveyed on his lot line adjustment map. Mr. Bemis stated if the northwest side was not included than the survey is not complete. Mr. Kaska asked what the setbacks would be for any vehicles on Mrs. Wilber's property. Mrs. Kaska stated they intend on getting an official survey of their property. Mr. Bemis stated that is the only way to do it if there is a question about property lines. Mr. Kaska discussed the prior property sale between his parents and the Dows and the intent was not to land lock any property. Mrs. Wilber stated they saw that and had expected there to be a Right-of-way when she bought it. Mr. Kaska stated they are asking for advice from this Board what they should do next and how to pursue it on their own. Mrs. Wilber stated they knew it was the Commercial Residential Zone when they bought their house. Mrs. Wilber said she did not know what the problem was because she brought in her deed and the legal survey. Mr. Bemis asked to see Mr. Kaska's map, Mr. Kaska explained that there was a "pie" shaped piece on there. The Board reviewed both maps and all the deeds submitted. Mrs. Kaska said both surveys are different and then asked if that was because one was older and maybe was converted from "chain and link" to footage, Mr. Kaska added if Mrs. Wilber would just agree not to park any cars on his side they would not be in front of the Board. Mr. Boyce stated after reviewing Mrs. Wilber's survey dated 7/5/1989 and the deed dated 7/11/2005, that they match

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and they show the building placement. Mr. Boyce stated the records review shows that the Right-of-way is not on Mrs. Wilber's property and then he added it is not for this Board to determine. Mr. Kaska asked if they are required to get a survey, who would be responsible, he stated it makes sense to him the applicant would be because they are the ones that wants the variance. Mrs. Wilber stated she did not know what the problem was because she only wanted to park 3 cars on that side and the deed matches the survey she submitted. Mr. Boyce said that every variance is unique and what people think are property lines don't always match. Mr. Kaska asked if he could get a clear definition of the setbacks for parking, Mr. Boyce said there are no clear definitions, there are no written setbacks for parking, however this Board can put limitations and also the Planning Board will be looking at this application as well for the site plan review. Mr. Boyce then asked if there were any additional questions from the applicant, none were noted. Mr. Basinger, Planning Board member in attendance, asked based on this Boards information is there a question on the property lines. Mr. Boyce stated that since this is a joint public hearing with the Planning Board he would like to ask Mr. Basinger if he felt there was a question with the property line. Mr. Basinger responded yes, he felt that there seems to be a question on the lines, he added due to the re-zoning of this area he feels they need a proper survey and before they vote the Town's Attorney should look at it. Mr. Leone agreed with Mr. Basinger, Mr. Bemis stated they should have legal advice. Mr. Boyce stated before the Board moves forward on this application is there any more questions, Mrs. Wilber stated she has to wait another month even though she provided them with everything they requested and the survey matches the deed. Mr. Boyce stated Mrs. Wilber indicated she is having someone verify the location of the post, she responded yes. Mr. Boyce asked what specifically they are going to do, Mrs. Wilber indicated they would be locating and flagging the post. Mr. Boyce discussed the driveway and if there is a right-of-way. Mrs. Kaska stated she did not disagree with the driveway, the map or the deed, she stated there is probably a small portion of their driveway over Mrs. Wilber's property. Mr. Kaska added that he was getting the impression Mrs. Wilber thought the whole driveway was over her property, Mrs. Wilber interjected no. Mr. Kaska discussed the tax map and how it was different from any survey, Mr. Basinger stated a tax map is not a legal map. Mr. Boyce asked if the questions were answered. Mr. Basinger stated if there are any discrepancies than the Town's Attorney should review. Mr. Boyce said he understood the concern and asked if they wanted to keep the public hearing open, Mr. Basinger replied no, they can still get the Attorney involved. The Clerk said if they close the public hearing the "clock" will start ticking, Mr. Basinger replied that should be ok. Mr. Boyce asked if there were any other questions and none were noted, he then asked if there were a motion to close the public hearing.

Mr. Leone made a motion to close the public hearing,  
Ms. Hodgson 2nd the motion,  
All in attendance unanimously agreed, the public hearing was closed.

Mr. Boyce stated he would open the regular meeting for the month of July at 8:02 P.M.

**Old Business**

Use Variance / Site Plan Review / Used Car Lot / Public Garage

SBL: 116.-2-27.2

Applicant: Maureen Wilber

Application #: 0002-12

Location: 4737 State Route 50

Zoning: C/R

Mr. Boyce asked Mrs. Wilber to complete block #2 on the SEQRA, State Environmental Quality Review Application, which asked for the description of the project / proposal. He then reviewed and answered the part II section aloud.

Mr. Boyce made a motion to declare a negative declaration on the SEQRA, no significant impact for application #0002-12,  
Ms. Hodgson 2nd the motion,  
All in attendance unanimously agreed.

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Mr. Boyce then asked if there were any further questions or discussion for this application, Mr. Leone asked what the Zoning Administrator had written on the application about this proposal. Mr. Boyce asked for the long form application. Mr. Boyce asked for a motion, none was offered, Mr. Boyce asked the Board to share their thoughts on this application and stated the hours were listed at Monday - Friday 7 am to 7 pm with auto sales as a primary use, he said they could set reasonable setback limits. Mr. Leone said he was uncomfortable with any fluids from the used cars, such as transmission fluid and he felt Encon would get involved. Mr. Bemis stated he was concerned with any parking behind the building and added it was his understanding the /fuel tanks have been removed, however he is concerned with an old fuel tank behind the building that it appears the ground is eroding away from, he stated he is concerned it may tip over. Mr. Leone read aloud Richard Colozzas' statement from the application. Ms. Martindale, Planning Board member, stated she is concerned that with used auto sales there will be used auto repairs. Mr. Basinger stated that the Planning Board will make sure neighborhood concerns are mitigated and there are buffers in place. Mr. Boyce asked if there were any other questions and if the Board felt they had enough information to move forward, he asked if there was a motion for this application.

Mr. Leone made a motion to approve the use variance for application #0002-12, for Maureen Wilber for a used auto sales, Limitations were set on the application as follows; *"for the purpose of an auto sales facility; maximum of 10 vehicles as illustrated in the application. Maintain 25 foot side setback, including 25 foot setback from the neighbor's driveway and no vehicle usage east of the existing structures."*

Mr. Bemis 2nd the motion,

Mr. Boyce asked for a roll call vote;

Bruce Bemis	no	Rebecca Hodgson	no
Hugo Leone	no	Mark Boyce, Chairperson	no

Application denied

**ACTION**

Public Hearing Closed, Negative Declaration Declared on the SEQRA, Application Denied.

**New Business**

Area Variance /Agricultural Pursuits

SBL: 130.-1-17

Applicant: Dolores Valenti

Application #: 0006-12

Location: 940 Route 32 N

Acreage: 6.85

Zoning: Agricultural

Ms. Valenti explained her application, she would like to market and sell her residence in the agricultural zone as a small horse farm, however she needs 10 acres and she only has 6.85 she explained she had conducted a lot line adjustment with Clint Barber of Barber Brothers Farm and failed to retain the acreage she needs. The Board discussed her application and reviewed her survey. Ms. Valenti explained she always had horses there and she has an 8 stall barn, a paddock and a pond on the property.

Mr. Boyce made a motion to accept this application as submitted.

Mr. Leone 2nd the motion,

All in attendance unanimously agreed.

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Mr. Leone made a motion to schedule a public hearing for the next monthly meeting in August.  
Ms. Hodgson 2nd the motion,  
All in attendance unanimously agreed.

**ACTION**

Application accepted as submitted and Public Hearing to be scheduled August 1st, 2012 at 7:00 P.M.

Mr. Leone made a motion to adjourn the monthly meeting at 8:45 PM,  
Ms. Hodgson 2nd the motion,  
All in attendance unanimously agreed.

**FUTURE MEETINGS**

August 1, 2012, 7:00 PM - Public Hearing

Respectfully submitted,  
Tia Kilburn, Zoning Board Clerk